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Written Testimony in Opposition to SB 428
Senate Committee on Government Efficiency

Chair Erickson, Ranking Member Holscher, and Members of the Senate Committee on Government Efficiency,

Thank you for the opportunity to provide testimony on behalf of Kansas Appleseed in opposition to SB 428. The provisions of SB 428 would require the secretaries of DCF and KDHE to comply with federal data-requests within 30 days of receipt of such requests. More specifically, DCF and KDHE would have to execute a memorandum of understanding and data use agreement with the soliciting agency—either USDA or HHS—and transfer the information within 30 days.¹

Kansas Appleseed is opposed to this bill because it could force the state to comply with unlawful federal directives, risk the disclosure of personal information of SNAP applicants and recipients to malicious actors, fails to account for the feasibility and timing of federal data requests, and could expose the state to liability issues.

In March 2025, President Trump issued Executive Order 14243, “Stopping Waste, Fraud, and Abuse by Eliminating Information Silos.”² Pursuant to this order, USDA sent a letter to the state agencies across the country that administer SNAP, including DCF, that requests the transfer of personal information of all SNAP applicants and beneficiaries since January 2020.³ Among the data requested includes name, social security number, date of birth, residential address, EBT card number, and case record identifier.⁴

Secretary Laura Howard of DCF, along with 20 of her counterparts across the country, refused to comply with the request citing: the unreasonable burden, cost, and amount of time DCF would have to commit to fulfilling the request; the questionable legality of the unprecedented data request; the lack of federal safeguards for the personal information; and the ongoing case, on which Kansas is a plaintiff, that has yet to decide the constitutionality of USDA’s request and intended purpose.⁵

¹ SB 428, 2025 Biennium, 2026 Reg. Sess. (Kansas 2026).

https://www.kslegislature.gov/li/b2025_26/measures/sb428/

² Exec. Order No. 14243, 3 C.F.R. (2025). <https://www.govinfo.gov/app/details/DCPD-202500382>

³ Brand, G. (2025, May 6). *FNS Data Sharing Guidance*. Food and Nutrition Service.

<https://www.fns.usda.gov/snap/data-sharing-guidance>

⁴ U.S. Department of Agriculture. (2025, June 23). *Privacy Act of 1974; System of Records*. Food and Nutrition Service. <https://www.fns.usda.gov/snap/fr-062325>

⁵ Howard, L. (2025, July 30). Response to Correspondence from the USDA. Topeka, KS; Kansas Department for Children and Families.; Altenbernt, M. (2025). Reply Brief in Support of Appeal Filed by Kansas Department for Children and Families. Topeka, KS; Kansas Department for Children and Families.

U.S. District Judge Maxine Chesney in the Northern District of California sided with the plaintiffs when she issued an injunction in September 2025, acknowledging that USDA had not established adequate safeguards to protect the personal information from unauthorized access or harmful use.⁶

This most recent conflict between 21 states and the federal government illustrates the extreme risk Kansas would be taking by enacting SB 428. The provisions of this bill would not allow DCF and KDHE to contest federal data requests, despite the potential for serious concerns regarding privacy protection, the burden imposed on state resources and administrators, the misuse of data, liability, and compliance with eventual court decisions.

SB 428 would also undermine the cooperative federalist model under which SNAP and Medicaid operate. Immediately complying with federal demands without permission to pause and evaluate their constitutionality, legality, or validity would be a remarkable abdication of state control over these programs.

Lastly, widening the doorway for federal intervention in Kansas's SNAP and Medicaid programs unnecessarily raises doubt in their integrity and sows distrust among the public and program beneficiaries. Threats to privacy deter eligible households from seeking assistance, and that's exactly what's at stake if Kansas willingly subjects itself to on-demand federal data requests.⁷

I urge you to stand up for the privacy rights of Kansans and the state's right to be an equal partner in the administration of SNAP and Medicaid by voting against SB 428.

Thank you for your time,

Haley Kottler

⁶ State of California, et al. v. United States Department of Agriculture, et al., Case No. 25-cv-06310-MMC (2025).

<https://storage.courtlistener.com/recap/gov.uscourts.cand.453513/gov.uscourts.cand.453513.106.0.pdf>

⁷ Plata-Nino, G. (2025, December 5). *USDA Escalates SNAP Data Demands: A Threat to Privacy, Program Integrity, and Public Trust*. Food Research & Action Center.

<https://frac.org/blog/usda-escalates-snap-data-demands-a-threat-to-privacy-program-integrity-and-public-trust>